

**HERGE, SPARKS & CHRISTOPHER, LLP**

**ATTORNEYS AT LAW**

**SUITE 360**

**6862 ELM STREET**

**MCLEAN, VIRGINIA 22101**

**(703) 848-4700**

**J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER T. CRAIG  
PETER A. TIMLER**

**December 14, 2004**

**FACSIMILE NUMBER  
(703) 893-7371  
WEB SITE ADDRESS  
WWW.HSC-LAW.COM**

**Via Facsimile Transmission and**  
**United States First Class Mail**

**Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463**

RECEIVED  
FEDERAL  
ELECTION  
COMMISSION  
OFFICE  
DEC 15 2004

**MUR 5598**

**John Swallow for Congress  
Inc. and Stanley R. deWaal,**

**Re: as Treasurer**

**Dear Sir or Madam:**

**This firm represents John Swallow for Congress, Inc.  
and its treasurer, Stanley R. deWaal, in connection with MUR 5598  
(collectively, "John Swallow for Congress").**

**By letter dated November 22, 2004, we filed a Statement  
of Designation of Counsel which designated Robert R. Sparks, Jr.  
and Christopher T. Craig as Counsel to John Swallow for Congress  
in this matter; and we requested an extension until December 17,  
2004 within which to respond to MUR 5598. By letter dated  
November 30, 2004, we were informed that the Office of General  
Counsel granted our extension request.**

**John Swallow for Congress is accused, by the Utah  
Democratic Party (Complainant), of violating 11 CFR 100.87 and 11  
CFR 147 in connection with certain mailings identified by the  
Complainant. Specifically, Complainant alleges that the mailings  
were paid for by either the National Republican Campaign  
Committee (NRCC) or the Utah Republican Committee (URC), on  
behalf of John Swallow for Congress, with the knowledge and**

29044230982

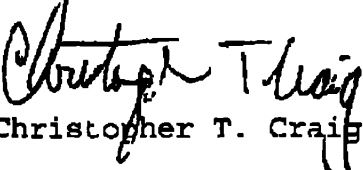
Office of the General Counsel  
Federal Elections Commission  
December 14, 2004  
Page 2 of 2

authorization of John Swallow for Congress and in coordination with John Swallow for Congress. Complainant further alleges that such mailings did not include the proper disclosures; that they constituted in-kind contributions to John Swallow for Congress that exceed the federally permissible contribution limits of NRCC and URC; and, that the parties involved failed to accurately disclose the underlying donors related to the mailings.

Critical to these allegations and to the referenced Regulations, is the Complainant's belief that John Swallow for Congress "knew of and authorized these acts." Complainant's belief, however, is wrong. No person involved with John Swallow for Congress, including the Treasurer or any other authorized or responsible person, had any knowledge of the advertisements referenced by Complainant at any time prior to the mailings. Furthermore, no person involved with John Swallow for Congress has any information or knowledge of either the NRCC or URC operations with regard to the subject advertisements.

As such, without the requisite knowledge and authorization of John Swallow for Congress, Complainant's allegations with regard to John Swallow for Congress are without merit and it is respectfully submitted that the Commission should take no further action in this matter. If you require any further information, please contact us at your convenience. Otherwise, we look forward to the speedy resolution of this MUR.

Sincerely,

  
Christopher T. Craig

Cc: John Swallow for Congress, Inc.

Stanley R. deWaal, Treasurer  
John Swallow for Congress, Inc.

29044230983